



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,119	11/16/2001	Rudolf Farkas	455610-2480	8079

20999 7590 10/07/2003

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
----------

BARBEE, MANUEL L

ART UNIT	PAPER NUMBER
----------	--------------

2857

DATE MAILED: 10/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/988,119

Applicant(s)

FARKAS ET AL.

Examiner

Manuel L. Barbee

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Specification***

1. The disclosure is objected to because of the following informalities:

On page 6, line 13, delete "121", and insert --125--.

On page 41, line 18, delete "internally", and insert --internally.

Appropriate correction is required.

2. Claims 15 is objected to because of the following informalities:

In claim 15, line 1 of the claim, delete "9", and insert 14.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 and 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayes (US Patent No. 5,799,266).

With regard to initiating a saving operation, initializing, by each software object, any software object below it and initializing the internal variables belonging to the software objects and saving the results, to a file, as shown in claims 1 and 9, Hayes teaches generating test drivers and setting parameter attributes for the test drivers (Abstract, col. 2, line 20 - col. 3, line 45). Some test drivers are generated with

complementary test drivers that are invoked or initialized by the test drivers (col. 3, lines 36-46).

With regard to modular files, as shown in claims 2 and 10, Hayes teaches creating a test driver for each test expression and using object oriented programming (col. 2, lines 35-49; Fig 4c, col. 5, line 53-65). With regard to designating the internal variable by a hierarchical path or address, shown in claims 3, 4, 11 and 12, Hayes teaches designating variables hierarchically (Figs 8a, 8b variables ex.before, ex.after, ex.tv, etc.). With regard to wherein the file is in human readable text, constitutes a computer program and is in an industry standard language, as shown in claims 5-7 and claims 13-15, Hayes teaches using the C programming language (col. 8, lines 55-65; Figs. 8a-8c).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes in view of Watts (US Patent Application Publication 2001/0003835).

Hayes teaches all the limitations of claims 1, 6 and 7 upon which claim 8 depends and claims 9, 14 and 15 upon which claim 16 depends. Hayes does not teach using Visual Basic Script, as shown in claims 8 and 16. Watts, teaches using Visual Basic Script for programming operations in a control system (pars. 4 and 38). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to modify the test driver generation, as taught by Hayes, to include programming using Visual Basic Script, as taught by Watts, because then programming would have been allowed over a wide assortment of applications sold by MICROSOFT (Watts, par. 38).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Haag et al. (US Patent No. 4,479,197) teach selecting and setting the mode of operation for a mechanism.

Crooke et al. (US Patent No. 4,578,640) teach oscilloscope control.

Kodosky et al. (US Patent No. 5,475,851) teach improved local and global variable capabilities in a graphical data flow program.

Jenkins et al. (US Patent No. 6,002,868) teach a test definition tool.

Jacobson et al. (US Patent No. 6,389,491) teach a test instrumentation and I/O communication interface created using an object-oriented language.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel L. Barbee whose telephone number is 703-308-0979. The examiner can normally be reached on Monday-Friday from 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on 703-308-1677. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2857

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-0976.

mlb

  
MARC S. HOFF

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800